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U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED

NOV 27 2006

RK, U.S. DISTRICT

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14 and The Kroger Co.

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 CALCULATED INDUSTRIES, INC.,
18 a Nevada corporation, and CONSTRUCTION
19 MASTER TECHNOLOGIES, INC., a
20 Nevada corporation,

21 Plaintiffs,

Case No. 3:06-cv-00049-LRH-VPC
CURRENTLY PENDING IN THE
DISTRICT OF NEVADA

22 v.
23 SYNAPSE RETAIL VENTURES,
24 a Connecticut corporation, THE KROGER
25 CO., an Ohio corporation, and DOES
1 - 10,

[PROPOSED] STIPULATED ORDER
OF DISMISSAL WITHOUT
PREJUDICE

Defendants.

Pursuant to the joint stipulation signed by all parties who have appeared in this Action,
and pursuant to Rule 41(a)(1), Fed. R. Civ. P., the Court hereby ORDERS:

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1. that the Complaint of Plaintiffs is DISMISSED WITHOUT PREJUDICE;
 2. that the Counterclaims of Defendants are DISMISSED WITHOUT PREJUDICE;
- 3 and
4. that the parties shall bear their own attorneys' fees and costs.

5 This Stipulation has been reviewed and approved as to form and substance by counsel for the
6 parties, as follows:

8 By: s/ Peter C. Schechter

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By: s/ Neil A. Smith

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Counsel for Plaintiffs

15 IT IS SO ORDERED:

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21 UNITED STATES DISTRICT JUDGE

22 DATED: 11/22/06

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1 CERTIFICATE OF SERVICE
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3 The undersigned hereby certifies that on November 20, 2006 all counsel of record who
4 are deemed to have consented to electronic service are being served with a copy of
5 **[PROPOSED] STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE**
6 via the Court's CM/ECF system per Local Rule 5-3.
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8 Dated: November 20, 2006.
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s/Annette P. McGuire